

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNDER ARMOUR, INC.,
Petitioner,

v.

ATHALONZ, LLC,
Patent Owner.

Case IPR2024-00640
Patent No. 11,510,456

**PATENT OWNER'S IDENTIFICATION OF IMPROPER REPLY
ARGUMENTS**

Pursuant to the Board’s April 17, 2025 email authorization, Patent Owner Athalonz LLC submits this identification of improper reply arguments that it seeks to strike from Petitioner Under Armour, Inc.’s Reply to Patent Owner’s Response (Paper 15, “Petitioners’ Reply”) in the above-captioned proceeding, and from the associated Supplemental Declaration of Grant Delgatty (EX1022).¹ Patent Owner respectfully requests that the following portions of Petitioner’s Reply and EX1022 be stricken and given no weight.

Petitioner’s Reply

- **§ I.A (all except for the subsection titled “Athalonz’s Infringement Contentions”).** Petitioner includes extensive new intrinsic evidence for its construction of “first material” and “second material” that was omitted from the Petition. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide (“CTPG”) at 44, 73 (Nov. 2019).
- **§§ V.A (all) and V.B (final sentence of ¶ 1; final two sentences of ¶ 3).** Petitioner makes new substantive unpatentability arguments not included in the

¹ This submission covers only the specific material that Patent Owner intended to be the subject matter of its requested motion to strike, and is not a comprehensive listing of all arguments in Petitioner’s Reply that are procedurally improper. Patent Owner reserves the right to, and intends to, identify additional improper arguments and evidence in its Patent Owner’s Sur-Reply.

Petition that the references disclose the first and second materials under the correct construction. *See* CTPG 73, 74.

- **§ VI.A (all).** Petitioner makes new substantive unpatentability arguments not included in the Petition that the references disclose the first and second materials under the correct construction. *See* CTPG 73, 74.
- **§ VIII.A (all).** Petitioner makes new substantive unpatentability arguments not included in the Petition that the references disclose the first and second materials under the correct construction. *See* CTPG 73, 74.
- **§ IX.A (all).** Petitioner makes new substantive unpatentability arguments not included in the Petition that the references disclose the first and second materials under the correct construction. *See* CTPG 73, 74

EX1022 – Supplemental Declaration of Grant Delgatty

- ¶¶ 20-26, 27-33, 39-41, 45. Petitioner’s declarant offers new substantive unpatentability opinions not included in declarant’s original declaration that the references disclose the first and second materials under the correct construction. *See* CTPG 73, 74.

Dated: April 24, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on April 24, 2025
a copy of the foregoing document was served by email upon the following:

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